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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 5 February 1993, at 10 a.m.

Chairman: Mr. BROTODININGRAT (Indonesia)

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The meeting was called to order at 10.35 a.m.

QUESTION OF THE VIOLATION OF THE HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (4) (continued) (E/CN.4/1993/3-E/CN.4/Sub.2/1992/42, E/CN.4/1993/6-E/CN.4/Sub.2/1992/49; E/CN.4/1993/9, 12, 13, 70 to 74 and 81; A/47/76, 262 and 509; S/25149)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (9) (continued) (E/CN.4/1993/17, 18,19 and Add.1; E/CN.4/1992/12; A/47/412)

1. The CHAIRMAN invited participants to continue consideration of agenda items 4 and 9.

2. Mr. ALFONSO MARTINEZ (Cuba) was of the view that, since the Commission's last regular session in 1992, the international community's inability to put an end to the situation prevailing in the territories occupied by Israel was becoming increasingly obvious, as was the arrogance of the Israeli authorities in the face of the reactions engendered by their conduct and their contempt for the most elementary rules of international law.

3. The Commission had adopted four resolutions on the subject in 1992 requesting Israel, first, to put an end to all forms of human rights violations and to respect the principles of international law, the obligations assumed under the United Nations Charter and United Nations resolutions and, secondly, to withdraw from the occupied territories and to respect its obligations as an occupying Power namely, immediately to suspend the expulsion orders adopted against Palestinian citizens. The Commission had, moreover, urged the Israeli Government not to install settlers in the occupied territories, and had expressed concern at Israel's continued use of force to prevent the Palestinian people from exercising its inalienable rights and specifically its right to self-determination. Since then the situation had remained unchanged and needless to say Israeli military occupation was continuing throughout the territories in question. That occupation, which the General Assembly in its resolution 3314 (XXIX) had regarded as an act of aggression and a threat to international peace and security, was unquestionably at the origin of all the human rights violations being experienced by the people living in those territories.

4. The ill-treatment and torture of detainees, the blind repression of Palestinian resistance to foreign occupation, the destruction of houses, collective punishment (the closure of universities and schools, the destruction of crops, the imposition of a permanent curfew, etc.) had not ceased. Moreover the State of Israel was continuing its policy of "judaification" in the occupied territories by bringing in new settlers and in particular new immigrants.

5. The deportation by the Israeli authorities of over 400 Palestinians reflected a particularly serious decision which had been taken not only in flagrant violation of the sovereignty of a neighbouring State but had also placed certain persons in a situation in which their most elementary rights were being flouted. That measure had been endorsed by the highest Israeli judicial body notwithstanding the Security Council's unanimous condemnation. The

reaction to that decision had obliged Israel to seek a solution in order to prevent sanctions from being voted by the Security Council. However, the compromise solution proposed by the Israeli and United States Governments, namely, the return of a number of deportees and reduced penalties for the others had logically been rejected by the persons concerned. The Security Council's slowness in adopting sanctions commensurate with Israel's continued refusal to implement United Nations decisions remained incomprehensible not only to Cuba but also to many other States and to a large segment of international public opinion. That inaction was in sharp contrast with the speed with which the Security Council had recently reacted in other cases when its resolutions had not been respected. That double standard policy pursued in respect of the rights of the Palestinian people was not new. Suffice to recall that it had not been possible, in June 1992, to convene a special session of the Commission in order to consider what had been observed to be an aggravation of the human rights situation in the occupied Palestinian territories. Yet two special sessions of the Commission had already been convened in a period of less than four months to consider the situation in the territories of the former Yugoslavia. Was that distinction justified? His delegation was convinced that a double standard policy was unlikely to contribute either to the moral prestige or the credibility of the United Nations.

6. It was also convinced that a just and lasting solution of the Middle East problem was possible if only the inalienable rights of the Palestinian people, of which PLO was the legitimate representative, were recognised. It therefore considered that the Commission should resolutely condemn Israeli practices, which were contrary to the rights and freedoms of the peoples of the occupied Arab territories, and take the necessary steps to ensure that its condemnation had a real impact. His delegation was prepared to associate itself with any initiative along those lines.

7. Mr. SOURANI (Arab Lawyers Union) pointed out that Israeli occupation of the West Bank, including East Jerusalem and the Gaza strip, which had lasted for almost 36 years was first and foremost a violation of the Palestinian people's fundamental right to self-determination.

8. The change of Government in Israel had aroused hopes in the international community that the human rights situation would improve. Yet the advent of the Rabin Government had, on the contrary, signalled the beginning of a substantial deterioration in that respect which was particularly evident in the increasing number of serious breaches of the Fourth Geneva Convention.

9. The Israeli security forces continued to react in a disproportionate manner to civilian disturbances in complete violation of international standards governing the use of force. During the previous two months, 27 Palestinians had been killed and 921 injured in the Gaza strip. One-third of those killed and over one quarter of the injured had been children under 15 years of age. On 17 December 1992 the Israeli Government had deported 415 Palestinians from the occupied territories in flagrant violation of article 49 of the Fourth Geneva Convention. The recent decision of the Israeli High Court of Justice upholding the validity of the Government's decision was a further flagrant violation of public international law. Between July 1992 and January 1993, Israeli security forces had carried out large-scale military attacks against homes in the Gaza strip where "wanted" persons were believed to be hiding. The armed forces had begun by evacuating the residents and then opening fire on their homes with anti-tank missiles, grenades and machine gun fire, causing extensive material

damage. In the course of those 16 operations, only six persons had been arrested and two had been killed. It was noteworthy that only in a very few cases had the Israeli military called upon the wanted persons to give themselves up, thereby clearly revealing their intention to kill.

10. Moreover, the hunger strike initiated in October by Palestinian detainees revealed how far conditions of detention had deteriorated. Very often Palestinians were still held in Israeli prisons in flagrant violation of articles 49 and 76 of the Fourth Geneva Convention, and detainees were systematically tortured during interrogation. Lastly, the population was increasingly subjected to collective punishment in violation of article 33 of the Fourth Geneva Convention, and in that connection it was obvious that prolonged curfews caused extreme economic hardship.

11. In order to provide the Palestinian civilians with international protection a number of measures had to be taken: first, the High Contracting Parties to the Fourth Geneva Convention must, in accordance with its article 1, ensure that Israel, as the occupying Power, respected its obligations under that instrument. Secondly, the United Nations Secretary-General's recommendation to place human rights monitors in the occupied Palestinian territories should be implemented and whatever measures were required to ensure respect for Security Council resolution 799 (1992) must be taken. Furthermore, the permanent members of the Security Council should request the Secretary-General to resume reporting to the Council, every four months, on the situation of Palestinian civilians living under occupation, in accordance with Securi' Council resolution 681 (1990). Lastly, a special rapporteur should be appointed as a matter of urgency to look into the situation in the occupied territories.

12. Mr. SALAMAT (Arab Organization for Human Rights) observed that the human rights violations committed by Israel had the approval of that country's judicial authorities. Under Israeli military law grave breaches of the Fourth Geneva Convention, namely, war crimes, were legal. The Israeli Government's policies in that respect were the same regardless whether they were carried out by a Likud or Labour Government and the change of Government in 1992 had not brought about any improvement in that respect since mass expulsions, arbitrary executions, torture, unacceptable conditions of detention, etc. were continuing. Palestinians in the occupied territories lived in constant terror and their only recourse was to the authorities of the occupying Power. However, the judicial system was controlled by the Israeli military Government and the Palestinians could expect no effective protection from it.

13. The latest field work carried out by the Palestine Human Rights Information Centre in 1992 revealed that at least 139 Palestinians, including 26 children of under 16 years of age and three women, had been shot dead by Israeli security forces. Of that number, only seven had been killed at the time they were armed and had attacked an Israeli soldier or civilian, and 60 had been killed by Israeli undercover soldiers during so-called "arrest" operations but which were more aptly described as "liquidation" operations during which the disarmed victims were shot down without warning and therefore without the possibility of surrendering. Field artillery had been used in connection with the arrest of six persons and absolutely nothing had been done to protect the occupants of houses in which wanted persons were believed to be hiding.

14. The Arab Organization for Human Rights called upon the High Contracting Parties to the Fourth Geneva Convention to ensure respect by Israel of its obligations under the Convention in accordance with its article 1; it called upon the permanent members of the Security Council to take appropriate measures to ensure the protection of the Palestinian people; it further called upon the international community to monitor, investigate and publicly report its findings on the issues that had been raised, paying particular attention to grave breaches of the Fourth Geneva Convention. Lastly, it supported the proposal that a special rapporteur should be appointed to look into the situation in the occupied territories.

15. Mr. WIPFLER (Anglican Consultative Council) noted that during the previous 25 years intergovernmental and non-governmental organizations had documented the persistent violation of human rights in the occupied territories. The list of acts committed by the occupation authorities was impressive and included lengthy curfews, destruction of crops, expropriation of land, the closure of schools and universities, arbitrary arrests and detention of suspects and alleged terrorists, systematic ill-treatment and torture of prisoners, and the wounding and killing of many civilians, many of whom had been minors. All those human rights violations had been reported to the Commission. More recently, by deporting 415 Palestinians to Lebanon, Israel had not only violated the rights of Palestinians but also the sovereignty of that country, and the Security Council had responded rapidly by adopting resolution 799 (1992). Israel had stated that it was prepared to return 100 of the deportees but the United Nations had made it clear that its offer failed to meet the demands of the resolution. That mass deportation had brought to 4,000 the number of Palestinians who had been deported since 1967. While the Commission was meeting the Security Council was discussing the advisability of applying sanctions to force Israel to comply with resolution 799 (1992). Yet the Israeli Government did not appear to be disturbed by that possibility, convinced as it was that it could ignore the demands of the international community and, as always, count upon the support of the United States.

16. During the past decade the Anglican Consultative Council had issued a number of statements on the situation in the occupied territories and had always declared its unconditional support of the right of the State of Israel to exist. It recognized Israel's right to protect itself and had therefore welcomed the multilateral peace process whose success would be the surest guarantee of its security. Nevertheless, that right could in no way justify the violations committed by the Israeli authorities during the previous 25 years.

17. The Commission should, at its present session, once again condemn violations of the rights of the Palestinians. Was it not time for it also to call upon the United States to refrain from its special treatment of Israel? Israel would thus feel obliged to respond to the demands of the international community as expressed through the voice of the United Nations.

18. Mrs. MANN (World Organization against Torture) observed that the deportation of some 418 Palestinians from the occupied territories brought to 4,000 the number of Palestinians who had been deported since the annexation of the occupied territories in 1967 and constituted a new war crime as defined by the Additional Protocol to the Fourth Geneva Convention of 12 August 1949.

19. Her organization, which condemned the use of violence and political assassinations and therefore the methods use by the Hamas group, similarly condemned the use of collective punishment meted out on grounds of membership or suspected membership of a group having had recourse to such methods. Those deportations were only one link in an already long chain of human rights violations perpetrated by Israeli forces in the occupied territories (repression, killings, detention without the hope of a fair trial, torture and ill-treatment in prison, destruction of thousands of homes, confiscation of land, expulsion and the resettlement of Israelis in the occupied territories).

20. The World Organization against Torture was particularly concerned by the conditions in which thousands of Palestinians were being detained in the occupied territories. The practice of administrative detention whereby a person could be arrested and held without charge or trial for a period of six months, renewable indefinitely, meant that individuals could be arrested and detained for long periods without being brought before a court. It was estimated that some 14,000 administrative detention orders had been issued in respect of Palestinians since the beginning of the intifada. Conditions of detention themselves often constituted a form of ill-treatment and torture, and prisoners were often denied access to their families and to legal counsel of their own choice or the medical treatment they required. Even more alarming was the fact that torture and ill-treatment, both physical as well as psychological, were regularly used to get detainees to "confess" to crimes. In that connection, she recalled that, according to article 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings". The World Organization against Torture therefore called upon the Israeli Government to respect the obligations it had assumed under that Convention.

21. The human rights of the civilian population were also being constantly violated, since houses were being demolished thereby leaving thousands of Palestinians homeless. Throughout 1992, curfews had been imposed on many occasions in the occupied territories and during the previous 25 years hundreds of acres of land had been confiscated to make way for the resettlement of Israelis in flagrant violation of the Geneva Conventions.

22. Her organization believed that the recent declaration by the Israeli Supreme Court rendering mass deportation illegal but nevertheless authorising the principle of individual deportation should oblige the authorities to repatriate the 418 Palestinians deported in December 1992. However, in recognising the legality of individual deportations the Supreme Court had created a dangerous precedent. However, Mr. Rabin's decision of 1 February 1993 to allow the return of 100 of the expelled Palestinians and to reduce the period of exile for the remaining 300 from two years to a year indicated that the Israeli Government was not prepared to accept the Court's ruling.

23. The World Organization against Torture called upon the Commission to urge the Israeli Government to respect Commission resolution 1992/2 A and B, Security Council resolution 799 (1992) as well as its obligations under the 1949 Geneva Conventions. The Commission should also invite the Security Council to take effective measures to find a solution to the situation in the occupied territories and ensure that the negotiations for peace in the region continued unhindered.

24. Mrs. LOCHBIHLER (Women's International League for Peace and Freedom) said she wished to highlight a few of the many ongoing human rights violations in the occupied territories, such as the continuing confiscation of land, the building of settlements and the uprooting of Palestinians. The Israeli occupation of the West Bank and Gaza strip for over 25 years have left thousands of people landless, homeless and stateless. All hopes of establishing a just, lasting and comprehensive peace in the Middle East following the advent of the labour Government in Israel had been dashed during the previous seven months. Israel had established more than 180 settlements in the occupied territories, including East Jerusalem, in violation of international law. Of the many human rights violations committed in the occupied territories, the Palestinian population and in particular women and children were most affected by the spoliation of their land and homes. Thousands of families had been refused the right of reunification. The deportation of 415 Palestinians to south Lebanon was yet another measure that had cruelly affected Palestinian families. Since 1967 Israel had expelled thousands of Palestinians from their homeland, but the expulsion of 17 December 1992 was the largest single so-called legal deportation carried out by the occupying authorities.

25. The decision adopted at the Inner Cabinet meeting on 1 February to allow the return 100 of the 415 deportees set a dangerous precedent. The law invoked by the Israeli authorities to justify that deportation fell under the British Mandatory (Defence) Emergency Regulations which permitted individual deportations. Those Emergency Regulations, which had been cancelled in 1948 at the end of the Mandate, could nevertheless be reactivated at any time to justify the deportation of Palestinians.

26. The military occupation of the West Bank and Gaza must cease so that the Palestinians could exercise their right to self-determination. Her organization accordingly urged the Commission to reactivate Security Council resolution 681 (1990), calling for regular reporting on the situation in the occupied territories, to ensure the safety of the Palestinian people living under Israeli military rule, to appoint a special rapporteur on the occupied Palestinian territories and to ensure the implementation of Security Council resolution 799 (1992).

27. Mrs. RAKOTUIVUNA (World Young Women's Christian Association) drew the Commission's attention to certain violations of children's human rights in the occupied territories. As a result of the intifada, some 120,000 Palestinians had been injured, one-quarter of the total being children below the age of 16. As at 22 January 1993, over 1,000 Palestinians had been killed by the Israeli authorities, 270 of the total being children. Almost 500 homes had been sealed or demolished for "security" reasons. Deportations, as well as arrests and searches, were continuing. An American human rights medical team had listed the violations committed by the Israeli authorities in the occupied territories as follows: thousands of injuries, leading at times to permanent disability or death, extreme violence during everyday living, deprivation of education for an entire generation of young Palestinians, the break-up of families due to imprisonment, injury, deportation or death, demolition of houses as a form of collective punishment, and insecurity for an entire people.

28. Palestinian children brought up in a very stressful, violent and oppressive environment were being denied their childhood. The basic right of national identity was also denied Palestinians as well as that of living in a family, since deportation of the parents caused long separations. Very often

children were made to witness the deliberate humiliation and beating of their parents, and their subsequent perception of their parents and themselves was completely distorted. Palestinian children were denied access to decent medical care and the infant mortality rate in Gaza was around 50 to 70 per 1,000 live births (as against 12 in Israel). They were denied access to normal schooling and thereby knowledge of the history of their country, heritage and culture.

29. Extended school closure was used by the Israeli Government as a form of collective punishment. Although it was a signatory of the Convention on the Rights of the Child, it failed to respect article 19 which stated that the State was under a duty to ensure the safety of the child and not to expose him or her to injury or negligence. Extended curfews were also used by the Israeli authorities as a form of collective punishment and as a means of controlling the civilian population. During the previous three years curfews had been imposed for almost 40 per cent of the time. The war affected not only children while the conflict was continuing but also traumatised them permanently. Her organization therefore called for the implementation of Security Council resolution 681 (1990) which required regular quarterly reports on the human rights situation in the occupied territories, as well as the appointment of a special rapporteur for Palestine so that Palestinian children could grow up free and in respect for human rights.

30. Mr. RETUREAU (World Federation of Trade Unions) said that the fact that the question of Palestine was still on the Commission's agenda after so many years indicated disfunctioning in the United Nations system and proved that certain States were more privileged than others. Many of the 415 Palestinians deported were intellectuals and senior officials, doctors, teachers, engineers, university professors, etc. and a large number of other intellectuals and students had already been expelled during the occupation. Israel was clearly trying to liquidate the Palestinian elite.

31. It seemed, moreover, that the Israeli Government had tried to block the Madrid talks. Its policy of bloody repression against the entire Palestinian population was continuing. The Government must put an end to that situation by negotiating an honourable peace based on respect for the right of all peoples of the region to their national identity and sovereignty. It was unfortunate in that respect that Mr. Rabin had rejected the "peace of the brave" proposed by Mr. Arafat.

32. The material, health and cultural situation of the Arab population of the occupied territories was deteriorating steadily. The education of thousands of young persons was compromised; teachers did not enjoy freedom of association - and in that connection he invited members of the Commission to take note of the annual report of the Director-General of ILO on the situation of Arab workers in the occupied territories. The fact related in that report revealed Israel's determination to dominate the territories on a long-term basis.

33. Migrant workers from the Arab countries and south-east Asia were feeling the disastrous consequences of the Gulf War. Kuwait's authoritarian regime was making the Palestinians atone for Iraq's misdeeds, and it was most regrettable that the Kuwaitis themselves were still deprived of democracy. Moreover, his organization condemned Kuwait's invasion by the Iraqi army just as it condemned any policy of military conquest.

34. In that context it was striking that the United Nations was maintaining its blockade of Iraq - since it affected Iraqi civilians most of all - when apparently it was incapable of acting when its resolutions on Palestine were flouted. Were there two kinds of rights? Was a double standard being applied? Those were serious questions and the reply to them would influence the future of international relations during the post-cold-war period. The credibility of the United Nations was at stake and it would be unfortunate if it was to serve as a screen for imperialist intrigues engineered by special interests. If the United Nations remained indifferent to a refusal to respect its own resolutions concerning Israel it could only expect increased suffering and an escalation of terror that would be difficult to bring to an end.

35. Mrs. FAUCHERE (World Confederation of Labour) condemned the expulsion of over 400 Palestinians from their country since it was an act that unfortunately harked back to the particularly odious system of deportations that had taken place in Europe half a century previously. The Israeli Government's repeated refusal to comply with Security Council resolutions on the Palestinian problem called in question the credibility and impartiality of the United Nations. The World Confederation of Labour had written to the United Nations Secretary-General requesting him to approach members of the United Nations with a view to getting the latter to compel the Israeli Government to respect those resolutions.

36. The economic policy imposed by the Israeli authorities in the occupied Arab territories was also to be condemned. Unemployment was increasing at a very alarming rate. Moreover, a large number of Palestinians working in Israel were experiencing very great difficulties in doing so. Arab workers were arbitrarily arrested, harassed, intimidated or discriminated against. Trade union leaders were constantly harassed, subjected to administrative arrests without charge and trade union premises were ransacked. Inadmissible restrictions were imposed on trade unions and trade union activities. The World Confederation of Labour called upon the State of Israel to respect the fundamental rights of workers in the occupied Arab territories and requested the Commission to do everything possible to ensure that positive steps were taken to have human rights respected there just as everywhere else.

37. Mrs GONZALES (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that, although her organization was concerned mainly with the situation of detainees and disappeared persons in Latin America, it was its duty to condemn serious human rights violations that were perpetrated in other parts of the world. For that reason, she also wished to draw the Commission's attention to the suffering inflicted upon the Palestinian people and other Arabs in the occupied territories. The Israeli authorities imposed restrictions on their freedom of movement, limited their freedom of expression and religion and undermined their education. The economic pressure applied included the confiscation of property, the demolition of houses, and the uprooting of olive trees in fields occupied by settlers. The situation as regards the administration of justice was deteriorating: large numbers of women and minors were detained and conditions of detention were particularly alarming. She asked that, just as other countries were required to respect United Nations resolutions, Israel should be required to put an end to violations of the rights of Palestinians and other Arabs in the occupied territories.

38. Mr. AHMAD (World Muslim Congress) observed that the right to self-determination was a fundamental right exercised by peoples in clearly

defined conditions such as colonial or alien domination. It was obvious that the exercise of that right could be claimed by the Palestinians who for over 20 years had been denied their civic, cultural and political rights in their own land.

39. The situation in Kashmir was another one in which right to self-determination could unquestionably be invoked, particularly as its area was about three times that of Belgium, the Netherlands and Luxembourg combined and as 10 years previously it had had a population of over 7 million. The question of the Kashmiri people's right to self-determination had, in January 1948, been referred to the United Nations Security Council, which had created a United Nations Commission for India and Pakistan to try to arrange a plebiscite on the future of the State of Jammu and Kashmir. The role of that Commission had been further strengthened by Security Council resolution 47 of 21 April 1948. The plebiscite to ascertain the wishes of the people of Kashmir to accede either to Pakistan or to India was to have been supervised by an administrator. India, however, had rejected the proposed plan. Nevertheless, the United Nations had continued its efforts to achieve a settlement in Kashmir on the basis of a plebiscite up to 1957, when the draft resolution on the question was vetoed in the Security Council. The situation in Kashmir had subsequently remained frozen in the context of the cold war. An interesting point in that respect was that in support of its arguments, India had invoked the "instrument of accession" signed by the ruler of the State of Jammu and Kashmir. That argument had ceased to carry any weight, however, when Indian troops began landing at Srinagar even before the instrument had been signed.

40. The purpose of that brief review was to demonstrate that the international community had very early on recognised the provisional nature of India's control over Kashmir and the right of the peoples of that country to decide their future status by means of an internationally supervised referendum. From a legal point of view, Kashmir was not and had never been a part of India. Consequently, it was not asking to separate or secede from any country. At the present time the Kashmir valley was administered directly by New Delhi. The people of Kashmir felt themselves betrayed and were experiencing repressive measures (pillaging, random killings, destruction of houses, etc.) inflicted on them by the Indian authorities. Even though it was hardly ever mentioned in international news media, there was a general sustained mass protest in Kashmir against its occupation by Indian armed forces. The Commission, which represented the conscience of the world, had the means to correct the injustice that was being committed there.

41. Mr. GOONETILLEKE (Sri Lanka) said that although the majority of States owed their existence to the realization of the right to self-determination and although the promotion of that right constituted one of the greatest successes of the United Nations, it must not be interpreted too broadly could not be invoked in all circumstances. Indeed, if the demands of all groups advocating separatism on religious, ethnic or other grounds were to be justified on the basis of that right the United Nations itself would end up consisting of a multitude of economically unstable and politically fragmented States. The separatist claim of a group, particularly if coupled with terrorist action, was in point of fact an obstacle to democracy; democratic States which alone tolerated the existence of such groups could become threatened by them. The complexities of the matter were numerous since the principle of self-determination collided with the principle of territorial integrity and sovereignty and, when separatist activities were aided and abetted from abroad, with the principle of non-interference in the internal affairs of States. All

those were prerogatives of the nation State whose very foundation would be undermined. Democratic pluralist States could counter opportunistic extremist groups advocating secession under the guise of self-determination in various ways, as for example by measures to protect human rights and minority rights or decentralization. In view of the difficulties raised by the concept of the right to self-determination, the moral and legal support granted automatically to the expression of that right needed careful rethinking in the light of current realities. Any incorrect interpretation of that right could constitute a threat to international peace and security and thereby undermine the very purpose of the United Nations.

42. One of the questions that best illustrated an aberration of the right to self-determination was the Palestine question which lay at the heart of the Arab-Israeli conflict in the Middle East. Sri Lanka had, in all international bodies consistently upheld and continued to uphold the inalienable right to self-determination of the Palestinians and other Arabs of the occupied territories. The report of the Special Committee to investigate Israeli Practices affecting the Fundamental Rights of the Palestinian people and other Arabs of the Occupied Territories - which had been chaired by Sri Lanka - (A/47/509) documented the deterioration of living conditions in those territories as well as Israel's way of administering justice there which was characterized by a denial of basic guarantees such as the right to a fair trial and freedom from torture. The response of the Palestinians had been the intifada which had been repressed by indiscriminate use of violence by the Israeli authorities. The expulsion of 400 Palestinian civilians in violation of the Fourth Geneva Convention was but the latest example of the way Israel behaved in the occupied territories. It was only appropriate that Israel should abide by the basic tenets of international law as well as the resolutions of the Security Council, the General Assembly and the Commission on Human Rights that called for an end to the occupation, the policy of expulsion and acquisition of land by force and reaffirmed the applicability of the Fourth Geneva Convention to all the territories occupied since 1967, including Jerusalem.

43. As had been reiterated by the United Nations Secretary-General on the occasion of the International Day of Solidarity with the Palestinian people on 30 November 1992, the settlement of the Arab-Israeli conflict in the Middle East was based on three essential elements, namely, the withdrawal of Israeli forces from Arab territories occupied since June 1967, respect for the sovereignty, territorial integrity and political independence of all States in the region, including Israel, and their right to live in peace within secure and recognized boundaries, and a solution to the Palestinian problem based on the legitimate political rights of the Palestinian people, including self-determination. His delegation remained optimistic about the outcome of the peace process initiated in Madrid a year previously and was convinced that the United Nations should continue to play an active role in assisting the parties concerned to achieve a just and lasting peace in the region.

44. Mr. VU HUY TAN (Viet Nam), referring under agenda item 9 to the human rights situation in Cambodia which was the subject of document E/CN.4/1993/19 and Add.1, drew the Commission's attention to the acts of violence committed against the ethnic Vietnamese minority in that country. His Government, which was extremely concerned by that situation, had on several occasions called for the trial and punishment of those responsible. On 25 July 1992, the representative of the Ministry of Foreign Affairs of Vietnam had strongly condemned the massacre of Vietnamese committed on 21 July 1992 in a village of the Cambodian province of Kampot and had requested the Supreme National Council

of Cambodia, the State of Cambodia as well as the United Nations Transitional Authority in Cambodia to investigate the massacre and to take all necessary steps to put an end to acts of terrorism, xenophobia and hostility towards Vietnamese living in that country and to protect their legitimate interests. He had also called upon the international community to protest against those criminal acts and to make sure that they were not repeated.

45. The Vietnamese Government considered that all the declarations made in justification or explaination of those massacres were without foundation and essentially of a political nature, which was also apparent in the threatening statements made by certain persons who were themselves under a duty to respect and apply all the provisions of the Paris Agreements on Cambodia. As a signatory of those Agreements, the Vietnamese Government undertook to respect their provisions and called upon all other signatory countries, and particularly all the Cambodian parties, to do the same. The protection of the life and interests of Vietnamese living in Cambodia was not only in conformity with the relevant provisions of international human rights instruments but also an integral part of the effective application of the Paris Agreements.

46. Mr. HUSSAIN (Pakistan) said that his delegation was speaking for the second time on agenda item 9 in order to draw the Commission's attention to the situation in Bosnia and Herzegovina. The report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia revealed that the Muslims who were the main victims of Serbian aggression in that region were virtually threatened with extermination. The term "ethnic cleansing" was simply a euphemism for the genocide of the Bosnian Muslims. Pakistan was astonished by the apathy displayed by the international community to the plight of that people. It therefore called upon the Commission to take action by all necessary means, including the measures provided for in Article 42 of Chapter VII of the United Nations Charter to put an end to those crimes. Moreover, pending the effective enforcement of the Security Council resolutions, Bosnia and Herzegovina must be enabled to defend itself through the right of individual and collective self defence as defined in Article 51 of the Charter; that would imply the selective lifting of the arms embargo imposed under Security Council resolution 713 (1991). In addition, a war crimes tribunal should be established to try and punish those responsible for crimes committed against humanity. His delegation also emphasized the need to take full account, in the negotiations taking place, of the legitimate concerns of the Government of Bosnia and Herzegovina concerning the proposed territorial division as well as the status of the city and province of Sarajevo where Muslims were in the majority. A durable cease-fire should be declared and all the heavy weapons of the warring factions placed under international supervision. Furthermore, all land, air and sea routes should be immediately opened so that relief assistance could reach the affected population as a matter of urgency.

47. The Government of Pakistan, which had welcomed the establishment of the Mujahideen Government in Afghanistan after 14 years of heroic struggle, had expressed its desire to strengthen bilateral co-operation with that country on the basis of the internationally recognized principle of sovereign equality, non-interference and mutual benefit. Although some 1.3 million Afghan refugees had returned to their country since the establishment of the Mujahideen Government, about 1.9 million still remained in Pakistan. His Government hoped that the international community would continue to provide humanitarian assistance to those refugees and to facilitate their repatriation.

48. The protracted and valiant struggle of the Palestinian people for their right to self-determination had won the admiration of the world community. Pakistan strongly condemned the atrocities perpetrated by the Israeli authorities in suppressing the intifada as well as the policy of establishing settlements in the occupied territories. It also condemned the recent deportation of some 415 Palestinians to the Lebanese border in violation of the Fourth Geneva Convention of 1949, as had been voted by the Security Council in its resolution 799 (1992). It was clear that the solution to the Middle East conflict inevitably implied the complete withdrawal of Israeli occupation forces from all the occupied territories, including Jerusalem, and it was to be hoped that the ongoing peace process would lead to a comprehensive settlement on the basis of Security Council Resolutions 242 (1967) and 338 (1973).

49. Referring to South Africa, he said it was heartening to note the many positive changes that had taken place in that country since the beginning of 1991, namely, the release of political prisoners including Nelson Mandela, the lifting of the ban of political organizations and the repeal of a number of laws which had sustained apartheid. Nevertheless, the people of South Africa were still denied their fundamental right to equality and self-rule. His delegation therefore strongly suggested that international pressure against South Africa should be maintained until such time as the hated and inhuman system of apartheid was completely dismantled. It was to be hoped that the optimism generated in 1991 about a peaceful transition to black majority rule in South Africa would not be unfounded and that that country, free from the fetters of apartheid, would at last attain its rightful place in the community of nations.

50. Mr. MOTTAGHI-NEJAD (Islamic Republic of Iran) said it was deplorable that, despite repeated condemnation by the international community, Israel was continuing its odious campaign to break the resistance of the Muslims of Palestine. His delegation was deeply concerned by the recent expulsion of more than 400 Palestinians and sincerely hoped that they would soon be repatriated safely as demanded by Security Council resolution 799 (1992) of 18 December 1992. In view of the deplorable plight of the deportees who lacked basic humanitarian needs and the fact that Israel refused to implement that resolution of the Security Council, the latter should, at the cost of being accused of selectivity in the application of international standards, impose sanctions against Israel. The escalation of violence and the intensification of repression in the occupied territories and the intransigence of the occupying Power had reached a point where Israel's friends were now obliged to call upon the Israeli authorities to exercise restraint. Yet while denouncing the brutality of the Israeli occupation forces, their economic, military and political assistance to Israel continued unabated, thereby providing it with a means to continue expelling, killing, imprisoning and torturing Palestinians with impunity. It was therefore clear that no solution could be found to the Palestinian question so long as such assistance continued.

51. The Palestinian people had, fortunately, amply proved during the previous six years that it was determined to regain its freedom. The intifada constituted a decisive turning point in the struggle that they had been waging for nearly 50 years for their legitimate rights. It was because the occupying Power was not prone to compromise and was bent on continuing its policy of blind repression that the Palestinian people had risen up against it with stones as their only weapons. His country, which strongly condemned the human rights violations committed by Israel in the occupied territories, considered that it was incumbent upon the international community to shoulder its responsibility and put an end to illegal and inhuman practices which were clearly contrary to

international law and to take effective steps to restore the legitimate rights of the Palestinian people, including its right to self-determination. It would continue to support the cause of the Palestinian people and was convinced that a just and lasting solution to the Middle East problem inevitably entailed the return of the Palestinians to their homeland and the creation of an independent Palestinian State on the territory of Palestine.

The meeting rose at 12.55 p.m.